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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING  
BANK OF AMERICA, N.A. TO  
PRODUCE A CUSTODIAN OF  
DOCUMENTS AND A CORPORATE  
REPRESENTATIVE FOR  
EXAMINATION PURSUANT TO  
FEDERAL RULE OF  
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring Bank of America, N.A. ("BofA") to produce a custodian of documents and a corporate representative, as set forth in subpoenas issued under Federal Rule of Bankruptcy

1 Procedure 9016, to appear for examination at the law office of Lewis and Roca, LLP, 3993  
 2 Howard Hughes Parkway, Suite 600, Las Vegas, Nevada 89169, on a business day no  
 3 earlier than ten (10) business days after the filing of this Motion and no later than April 30,  
 4 2007, or at such other mutually agreeable location, date, and time, and continuing from  
 5 day to day thereafter until completed.  
 6

7 This Motion is further explained in the following Memorandum.

8  
 9 **Memorandum**

10 The Movant seeks information concerning legal services performed by BofA on  
 11 behalf of USACM, the other debtors in the above-captioned cases (together with USACM,  
 12 the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related  
 13 entities. The Movant seeks this information to assist in the collection of the assets and the  
 14 investigation of the liabilities of the Debtors.  
 15

16 The requested discovery from BofA is well within the scope of examination  
 17 permitted under Bankruptcy Rule 2004, which includes:

18 [t]he acts, conduct, or property or . . . the liabilities and financial condition  
 19 of the debtor, or . . . any matter which may affect the administration of the  
 20 debtor’s estate, or to the debtor’s right to a discharge. In a . . .  
 21 reorganization case under chapter 11 of the Code, . . . the examination may  
 22 also relate to the operation of any business and the desirability of its  
 23 continuance, the source of any money or property acquired or to be acquired  
 24 by the debtor for purposes of consummating a plan and the consideration  
 25 given or offered therefore, and any other matter relevant to the case or to the  
 26 formulation of a plan.<sup>1</sup>

<sup>1</sup> FED.R. BANKR. P. 2004(b).

**Conclusion**

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: April 9, 2007.

**DIAMOND MCCARTHY LLP**

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